

Aug 11, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MELISSA L. COMMODORE,
LINDA F. COMMODORE,
EARNEST COMMODORE, and J.C.,
a minor,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE U.S.
AIR FORCE FAIRCHILD AIR
FORCE BASE IN WASHINGTON
STATE,

Defendant.

No. 2:19-cv-00431-SMJ

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

On July 22, 2020, this Court entered an Order to Show Cause, ECF No. 10, directing Plaintiffs to show cause why the case should not be dismissed for failure to prosecute. This case was filed on January 26, 2019. ECF No. 1. From the docket, it appears in the intervening seven months, Defendants have not been served. On March 3, 2020, Plaintiffs filed a summons that had been returned unexecuted. ECF No. 8. Pursuant to Local Civil Rule 4(m), service should presumptively be affected within ninety days of the filing of the complaint. *See also* Fed. R. Civ. P. 4(m) (directing the Court to dismiss a complaint where defendant is not served within ninety days).

The deadline for Plaintiffs to show cause was August 5, 2020. To date,

1 Plaintiffs have not responded to the Court's Order to Show Cause or otherwise acted
2 to advance this case to completion. Accordingly, this case is **DISMISSED** for
3 failure to prosecute under Federal Rule of Civil Procedure 41(b).


4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to
6 prosecute.

7 2. The Clerk's Office is directed to **CLOSE** this file.

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
9 provide copies to *pro se* Plaintiffs.

10 **DATED** this 11th day of August 2020.

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12 SALVADOR MENDOZA, JR.
13 United States District Judge
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